Claims 17, 20, 22-25, and 27 are provisionally rejected under obviousness-type double patenting over Claim 3 in co-pending application S.N. 09/800,669, in view of U.S. Patent No. 4,161,672 to Cap et al. Claim 26 is provisionally rejected under obviousness-type double patenting over Claim 50 in co-pending application S.N. 09/800,669, with reliance by the examiner on the teaching of Cap et al. Claim 22 is rejected under Section 102 as anticipated by U.S. Patent No. 4,389,201 to Hansler et al. ("Hansler"), and under Section 103 as obvious over Hansler. Reconsideration and withdrawal of the rejections are solicited.

As raised by Applicant in its Response filed April 15, 2003, in forming rejections the examiner is conveniently generically characterizing the distinct elements of an "arc tube" and "outer lamp jacket" as "bulbs" and appears to disregard the separate and distinct nature of these elements as expressly disclosed by Applicant and as understood by one of ordinary skill in the art.

As disclosed in the "Background Of The Invention" at page 1, in the manufacture of lamps, it is generally desirable to provide a controlled atmosphere for many of the lamp components by enveloping the components within an outer lamp jacket. In an incandescent lamp, the outer lamp jacket envelopes the lamp filament, and in a high intensity discharge lamp, the **outer lamp jacket** envelops the **arc tube**. Figure 1 illustrates certain steps in the manufacture of a high intensity discharge lamp. As illustrated in Figure 1, the outer lamp jacket 14 is sealed to the lamp stem 12. The arc tube for the lamp (not shown) is mounted within the interior of outer lamp jacket 14. Clearly, the term "outer lamp jacket" is expressly distinguished by Applicant from an

"arc tube" of a high intensity discharge lamp, and an arc tube does not become an outer lamp jacket merely by removing the outermost jacket from the lamp.

While Applicant's disclosure of the meaning of the term is controlling notwithstanding the prior art, it is also consistent with the prior art. For example, Cap et al. disclose in Figure 2 the "inner envelope 1" supported within the "outer jacket 2" and expressly confirm that the "inner envelope 1" is "commonly called the arc tube..." (column 8, lines 48-68) Likewise, Hansler identifies element 31 as the "arc tube". Clearly one of skill in the art understands that an "outer lamp jacket" is a separate and distinct element than an "arc tube" of a high intensity discharge lamp.

The examiner concedes that the claims in the present application are each directed to methods of making lamps having gas filled "outer lamp jackets" and include steps pertaining to the sealing of the outer lamp jacket, and that the cited references relate to arc tubes. The examiner attempts to overcome the distinction between the claimed inventions and cited references by ignoring the plain meaning of the claim terms. The examiner bases the rejections on the assertion that the rejected claims in the present application are broader than the respective cited claim in the co-pending application (or anticipated by Hansler) because the "arc tube" (as disclosed in the cited references) may constitute the "outer bulb" of the lamp. The examiner premises this assertion on the disclosure in Cap et al. at col. 6, lines 8-21, as teaching that the "outer bulb" is an optional member "since it is possible for the arc bulb itself to be made thick enough to withstand the high pressure of the lamp." The examiner's premise for the rejection is untenable.

Cap et al. fairly disclose that the walls of arc tubes are designed to withstand the internal pressures at which the walls will be subjected during operation of the lamp. The examiner's position that this teaches that the arc tube may constitute an "outer bulb" is untenable. Is it the examiner's position that some arc tubes are designed to rupture and thus require an "outer bulb?" Is it the examiner's position that the "outer bulb" in arc tubes where the walls are not made thick enough to withstand the high pressure of the lamp somehow aids the arc tube in withstanding the pressure? Why would one manufacture an arc tube with walls that were not thick enough to withstand the internal pressure in the tube? To the contrary, Cap et al. specifically disclose that "arc tubes 1" for high intensity discharge lamps are contained within an "outer jacket 2" (see Fig. 2). There is no disclosure or suggestion whatsoever in Cap et al. that an arc tube may constitute an outer lamp jacket. The entire premise for the examiner's rejection ignores the plain meaning of the terms in the specification and prior art and is in error. The rejections based on this erroneous premise must be withdrawn.

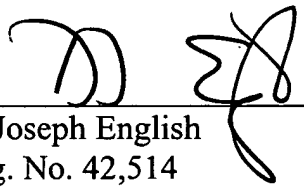
Moreover, the examiner appears to have overlooked the distinction in some of the claims wherein the lamp includes a lamp stem. For example, Claims 17 and 20 are each directed to methods of making a lamp having a "gas filled outer lamp jacket sealed at a single open end thereof to a lamp stem"; and Claim 24 includes the step of introducing lamp fill gas into the interior of the outer lamp jacket "through an open tubular passage through the lamp stem". Even if an arc tube for a high intensity discharge lamp can be characterized as an "outer lamp jacket" (and Applicant maintains that it is improper to do so), there is no disclosure or suggestion whatsoever in the references relied upon by the

examiner of the methods claimed in Claims 17, 20, and 24, and the claims dependent therefrom.

Reconsideration and withdrawal of the double-patenting rejection is solicited. Reconsideration and withdrawal of the rejection of Claim 22 is solicited.

A further and favorable action and allowance of all claims is solicited.

Respectfully submitted,



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